

City of Cincinnati



Office of City Solicitor
Courts Division
Claims/Collections
and Revenue Recovery

Room 126, City Hall
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Cincinnati, OH 45202-3705
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J. Rita McNeil
City Solicitor

Ernest F. McAdams, Jr.
City Prosecutor

March 19, 2004

Pauline Meisenhelder
363 Princess Court
Cincinnati, Ohio 45215

Dear Ms. Meisenhelder:

We have completed our review of your claim for damage to your property on January 4, 2004, at 363 Princess Court, in Cincinnati, Ohio.

The Metropolitan Sewer District (MSD) reports that the cause of your sewer backup was a problem in your house lateral. Under the Metropolitan Sewer Districts Regulation, the property owner is responsible for the maintenance of the building lateral from the building to the public sewer line. Metropolitan Sewer District is only responsible for the replacement of the building lateral that is located in the right of way.

Therefore, based upon the facts, the City of Cincinnati Metropolitan Sewer District cannot be responsible for your damages. We must deny your claim. If you wish to appeal this decision, you may do so through the State of Ohio court system.

Sincerely,

Anita A. Boulmetis
Claims Administrator

cc: MSD

Enclosure



**A TYPICAL SKETCH OUTLINING THE HOMEOWNERS' RESPONSIBILITY AND
THE METROPOLITAN SEWER DISTRICTS RESPONSIBILITY**

If you have a private sewer or easement
sewer please call 352-4900 for information.



The homeowner is responsible for
the upkeep of the house tap pipe
(removing debris, tree roots, clogs, etc.)

The homeowner is responsible for all repairs
to this section of the house tap pipe
(replacing a section(s) of pipe due
to collapse, shape loss, etc.)

YOUR

STREET

The Metropolitan Sewer District is responsible
for repairs to this section of the house tap only.
Homeowner's plumber must determine that
the repair is necessary in this area.

MUNICIPAL CODE City of CINCINNATI, OHIO Ord. No. 15-2004, effective Feb. 13, 2004. (Supplement No. 2, Update 9)

Chapter 401 WATER WORKS

DIVISION C. SERVICE BRANCHES

Sec. 401-38. Replacement and Repair of Service Branches.

Sec. 401-38. Replacement and Repair of Service Branches.

Where a service branch is installed, the department shall repair and maintain it or replace it with a branch of the same size, without charge, from the main to and including:

- _____ (a) The valve, where the valve is not beneath the street paving or the street curb.
- _____ (b) To a point behind the curb or beyond the edge of the street paving where the valve is in the paving.
- _____ (c) To a point on the private property side of a retaining wall where such retaining wall has been installed by a public entity as part of a highway improvement.

A property owner desiring a service branch of a size different from the existing branch shall make application and pay for it in the same manner as for any other new water service connection.

(C.O. 401-38; a. Ord. No. 374-1967, eff. Oct. 27, 1967; a. Ord. No. 177-1969, eff. June 6, 1969; reordained as C.M.C. 401-38, eff. Jan. 1, 1972)

Sec. 401-39. Maintenance of Service Branch by Property Owner.

That portion of a water branch from points described in (a), (b), and (c) of Section 401-38 into the premises served, shall be maintained in proper condition by the owner. Failure to repair a leak or leaks in the time allotted on notice shall be sufficient cause to justify the department in discontinuing the service. When service has been discontinued for failure to repair leaks, it will not be restored until the department has been notified and is satisfied, after inspection, that repairs have been properly completed.

(C.O. 401-39; a. Ord. No. 374-1967, eff. Oct. 27, 1967; a. Ord. No. 177-1969, eff. June 6, 1969; reordained as C.M.C. 401-39, eff. Jan. 1, 1972)

Sec. 401-40. Disconnection of Service Branch by Department.

The department is authorized to disconnect a service branch from the water main and remove the water meter:

- _____ (a) Upon application by the owner or authorized agent when use of the service branch is no longer required;
- _____ (b) When a water bill is delinquent and records indicate that the service branch has been unused for at least one year;
- _____ (c) When after shut-off of water service by the department for non-payment of a water bill or other authorized reason, the water service is recommenced by private action without authorization from the department, for the benefit of the property served;
- _____ (d) When a fire protection service branch has no piping or equipment connected thereto which could make its use possible, and has been unused for at least one year;
- _____ (e) When conditions render impractical any future use of an existing unused service branch;
- _____ (f) When a non-copper service branch installed before 1928 has never been used; or

Boulmetis, Anita

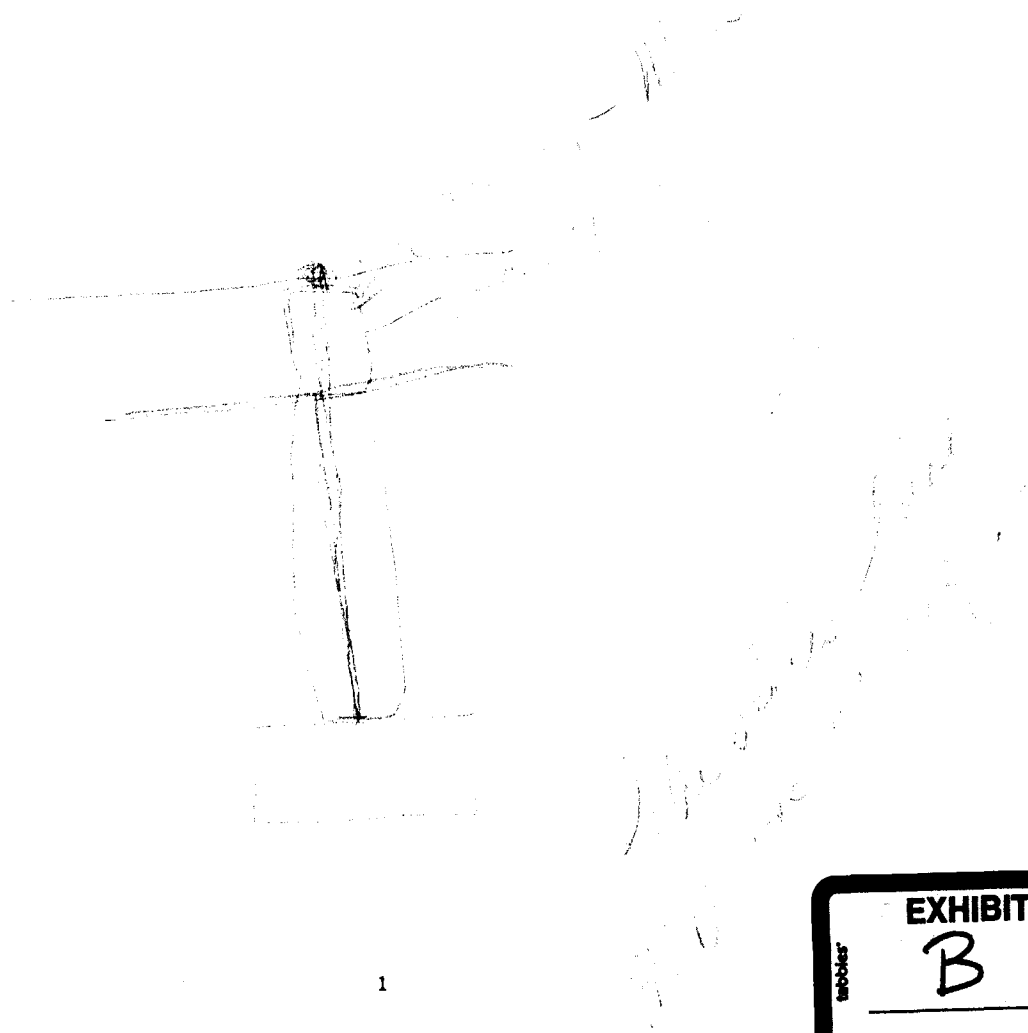
From: Madden, Dennis
Sent: Friday, February 06, 2004 8:08 AM
To: Boulmetis, Anita; Johnson, Julia; Campbell, Bob; Pat Esposito (E-mail)
Cc: Minges, G Stephen; Johnstone, Ralph
Subject: Response RE: 363 Princess Court - Claim for WIB #94

Anita,

We discussed this claim yesterday. I want to confirm the conversation and provide you documentation for this case. The documents submitted by Pauline Meisenholder of 363 Princess Court in Woodlawn, Ohio 45215 clearly identify that the blockage and the broken pipe were on private property. Specifically, the AA Plumbing Inc. receipt, #20230, states that roots were found in the private lateral. The second receipt, #20231, states that the private lateral was replaced from the clean out, "outside the building up to sidewalk." This repair is also on private property. Both the cleaning of the lateral and the replacement of the lateral from the house to the sidewalk are property owner responsibility.

We note that MSD responded to this Water In the Basement (WIB) and approved that clean up services be performed at that site. We have been performing an audit of the January 2 - 4 rain event and have found that we inadvertently performed a WIB clean-up. We are evaluating our procedures and will make corrections to avoid this conflict. If you need additional information or have questions, please call or email me.

Dm²



3259 HOMEWARD WAY
FAIRFIELD, OHIO 45014

A A Plumbing Inc.

INVOICE NO.
20230

"Our business has been built on satisfied customers."

(513) 771-1888 • (513) 863-8181 • (513) 874-1888 • (513) 984-1881
aacincinnati.com

Sold To: MR. & MRS. Pauline Meisenhelder Invoice Date: 1-4-03
363 Princess St Phone #: 771-4656
STREET Can OH 45215
CITY STATE ZIP
Work Order # _____
PAST DUE CHARGES — 1 1/2% per month
Referred by: ☐ Yellow Pages ☐ Yellow Book
☐ Friend/Relative ☐ Other

WORKMAN	DESCRIPTION	UNIT PRICE	TOTAL PRICE
	Emergency Service for		149.00
	Clean main Drain.		
	Tackle Toilet and snake threw		
	heavy roots find.		
	Find out clean out and snake out main drain		
	All the way Threw To main - line full off		
	Roots. Replace closet flange and set Toilet		
	Tr. Sewer line line old full off Roots	200.	
	and Damage with Belley need to be Replace		
	Labor & Parts <u>EXTRA CHARGES</u> Hours 7 1/2 men		
The above prices, specifications, and conditions are satisfactory and are hereby accepted.			
Customer Signature <u>Pauline Meisenhelder</u> <u>Thank you</u>		SALES TAX	
		TOTAL	1200.00

Method of Payment		FOR COMPANY USE ONLY - DO NOT WRITE IN THIS SECTION	
Cash _____		Recd. _____	
CC _____	EXP. DATE _____	TD _____	
Check No. <u>9707</u>			

